

KURT JOHNSON 13177-081
UNITED STATES PENITENTIARY
P.O. BOX 1000
MARION, IL 62959

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Case No.: 18-cr-44043-JPG

Plaintiff,

RULE 29 JUDGMENT OF ACQUITTAL

V.

KURT F. JOHNSON,

Defendant.

The defense seeks a Judgment of Acquittal in order to correct the complete miscarriage of justice that resulted from the mockeries of due process that culminated in an unfair trial and baseless conviction. The judgment of acquittal is timely filed with the verdict entered on Wednesday 9-26-18. The acquittal is a righteous choice and far less dangerous to society as to risk than an improper conviction. The judge stands as the 13th juror and is the last bastion and bulwark of protection against the abuses of the self-authenticating government wielding the sword of criminal sanctions against the accused. The acquittal can also correct and rescue the court from its own error of adopting the presumptions of the government and its cooperation with the trial tactics that had the sole purpose of disadvantaging the defense with an impossible calendar for discovery of the truth and a convenient calendar to advance a false and misleading theory to prevent any rebuttal, and for Quinley to finish before his transfer.

SUFFICIENCY OF THE EVIDENCE

The material fact that conclusively settles this indictment is the existence or non-existence of the World Court judgment. That fact was not conclusive-

ly resolved in the trial. All the witnesses whether credible or not only offered opinions and beliefs. Not one offered conclusive evidence of the judgment or non-judgment either prosecution or defense. The defense was precluded from doing so by the trial tactics of the government and the unfair discovery exasperated by the rush to trial by the court. The government had no interest in the truth because they had their narrative and felt that they could gain a conviction with circumstantial evidence they knew they could protect from rebuttal. By doing so Life, Liberty, and property was seized on the credibility of a webpage (non-contextual) and an unexhausted list of treaties. Really? The FBI can't interview Judge Donoghue, the trial can't wait until she is contacted to speak conclusively on the matter, the banks Deutsche and ADCB can't be reached to authenticate the legitimacy of their offers to purchase interest in World Court judgments? The government can't find the party who represented them in the World Court proceedings? Since when can the government take one position in one court and a contrary position in another Court. Isn't that a fraud upon this court when they knew or should have known the existence of the judgment and chose to conceal that fact by omission from the court, the jury, and the defense? All these detailed facts do not get tested for their veracity only sidestepped by smoke and mirrors. This is not a judicial function but a political hack job to protect a secret prison-continuing criminal enterprise-employees-and the sequestering of the defense away from any discovery vehicle for verification. Truth matters in reality and justice. Why is it avoided and substituted for a suspicious, speculative, and presumptive narrative with no basis in fact, only belief? Only the non-existence of the World Court judgment could validate this theory and that fact was not offered into evidence. Only the lack of proof of its existence because proving it, which was possible, was made impossible by the government's trial tactics working in conjunction with the court's ridiculous mad dash calendar. Facts didn't resolve the dispute. A trial that encouraged and allowed a self-authenticating void or vacuum without facts

was made an alternative for injustice. This is a complete reverse of due process in that guilt is presumed and any proof to the contrary is intentionally withheld or obstructed procedurally. The court can tell by the subpoenas sought and the Letter Rogatory that the defense has no fear of obtaining the conclusive answer to the factual dispute. Why does the court and the government? Why is a webpage and list of treaties sufficient? Because guilt was already presumed. Or perhaps they already know of the judgment's existence and for political reasons feel obligated to prevent the defense from confirming this fact. All the conditions of confinement are ideal for this tactic of obstruction, censorship, and concealment. Even if it is just to protect their beliefs it is still an unfair advantage at the expense of due process.

MERGER

An acquittal is necessary at a bare minimum for half the charges because of the merger issue. This is not a duplicity or multiplicity issue. It is distinct and not even subject to the Blockburger Test. Bankruptcy fraud and false oaths are conjoined twins with only one heart of bankruptcy fraud. You cannot separate them without killing half. It is impossible to commit bankruptcy fraud without a false oath and every false oath is an act of bankruptcy fraud. The scheme of the bankruptcy fraud being a separate element for the Blockburger Test can never be reached because every scheme necessarily includes a false oath. When it is impossible to separate two offenses from a merged act Congress identifying them as distinct can only speak to a charging option and not a stacking option of double punishment. Double jeopardy precludes Congress from dissecting this fine a frog hair as anything more than a mental exercise since the split is factually and legally impossible in reality. The merger is in more than the inseparable act(s) but in any proper statutory construction interpretation "in relation to" of each statute combines the act(s) in function and purpose.

TITLE 18

The court cannot confer jurisdiction upon itself and the executive cannot exert police power beyond legislation; only congress can legislate. In this action two statute used to provide subject matter jurisdiction and executive police authority was part of Title 18 that was never legislated into existence in 1948. Though these particular statutes were adopted by later amendments there is no Constitutional provision by which you can bypass limited enumerated powers by later amendment. A non-legislated foundation is not cured by a proper amendment. Of course proper is used merely in the appearance because it could never be proper in substance. The House passed a version of Title 18 and the Senate passed a version but neither passed on the same version as required by law. It is not the will to act that converts a bill into law but a formalized and rigid procedure. That did not occur in 1948 and so 18 U.S.C. §§ 152(3) & 157 are not laws. They confer no jurisdiction upon the court, they authorized no police power, they provide no guidance to the petite jury, give nothing for the grand jury to consider, and provide no notice in due process of any prohibition or offense to defend to the accused. Due process cannot be initiated until a statutory claim confers a right in a subject matter forum. Without a right there can be no wrong. The political ramifications of such a blunder and irresponsible cover-up by congress, the courts, and the executive is not a consideration before this court. One accused has been put to trial without any legal authority to do so. Acquittal is an appropriate remedy for this error. this error is not political factually but became judicial once process was substituted for due process.

OUTRAGEOUS GOVERNMENT CONDUCT

It was very convenient for this court to prevent a trial relevant to the conditions of confinement if not complicit. This government at all three branches has no regard for the person of law, our Creator, Jesus the Christ. What a sham and a shame truth does not matter, only the appearance of a thing. God

is not fooled and neither are His children. It may be easy to dupe 12 jurors you have educated into ignorance and propagandized to defraud them of their power and God given rights. But a verdict obtained through fraud and deceit is not righteous or conclusive. It is merely one more condemnation in the parade of outrageous government conduct. Setting aside the false claims that incarcerated innocence the first time, once, apparently was not enough. Once could be an error but twice? Two is the number for witness and now the testimony of corruption is complete. This machine of injustice was engineered. JOHNSON was placed in your secret prison which was presented to Congress as a program needed in the fight against muslim terrorism. What a lie! Mr. True testified it is not a program nor is it just for terrorist. Congress doesn't care about the lie because they have a popular narrative of propaganda "the war on terror" to cover their sins. The executive has it's FBI and DOJ to steer their investigations to any theory because truth is no longer their objective. They only use police power to quell dissent or crush opposition. With such hubris that they have no fear or respect for the office of President, rule of law, or the lives they destroy. Even though JOHNSON did obtain a judgment from the World Court that they know to be a true fact they have lied and defrauded the court in every procedure opened by JOHNSON. The judiciary in this Southern District is not unbiased. They have joined in the outrageous government agenda of concealment at any cost. Herndon refused to have the government answer in 17-cv-1010-DRH. Rosenstengal did not defend the court's independence when she allowed this secret prison's staff denial of access to the courts by their confiscation of civil complaint in 15-cv-00525-NJR. Grandy intentionally adopted the government's fraud and prevented access for JOHNSON to the vehicles of discovery that would expose the government's fraud and reveal the truth of a creditor's right in 18-bk-40014, 40015-LKG. On appeal Rosenstengal get's her second bite at the apple with her cover for outrageous government conduct in 18-cv-0783-NJR.

Not to be outdone this court used its mad dash calendar to deny JOHNSON a fair use of the discovery which would have verified the World Court judgment and innocence. It worked complicitly with the government to assure truth was concealed, and the secret political pet of these nazi-style prisons in your circuit remain a functioning secret. The FBI in its investigation conducted no interviews with exculpatory witnesses they knew to be relevant. Months before they, along with others, the IRS, the Secret Service, and the Postal Inspector threatened Stephen Sherak and family which prevented him from providing JOHNSON with a copy of the applicable treaty and the judgment. It further forced him to get the judgment recertified on 2-8-18 with all his family names redacted for fear of retaliation. This court narrowed by its calendar and subpoenas defense's case down to Stephen Sherak who for fear refused to testify. At every turn and every opportunity the government has used the power of force and corruption to conceal the one decisive piece of evidence that exposes their secrets and frauds to public scrutiny and no branch is innocent. Fortunately this judgment is not a product of this government, which corruption would have prevented. It is an independent fact of reality uncontrolled by this self-authenticating corrupt machine of wicked hearts, as is the voracious efforts of obstruction and concealment. This court already knew the game it entered. Now it knows the defense knows the game. What it doesn't know is all the cards in play. Will it wager all on the agenda of fraud or distance itself, make a small showing of plausible deniability, and fold to a superior hand? History is not written by men as you presume it is only written about men. What will be the report about this court when the judgment is revealed? Five times now the judiciary which was enumerated as a vehicle of redress outrageous government conduct has purposefully prevented JOHNSON from using its power to conclusively prove the allegations made of a tyrannical government and handed the government stolen victories to use as precedent. All self-authenticating fraud, all stand before the Way, the Truth, the Life with no hope to avoid hell's damnation kind of

fraud. A soul for a paycheck and a tin badge. What a cheap bargain to maintain such a frivolous and temporary fraud of secret lawless prisons. You do not rob JOHNSON of truth only yourselves. You do not condemn innocence only yourselves. You do not get to change right to wrong, you only gained the sinful knowledge of good and evil whereby you delude yourselves that your decrees have any force and effect. Truth, righteousness, morals, and ethic are transcendent to pea-brains and wretched souls which can be borrowed but never stolen.

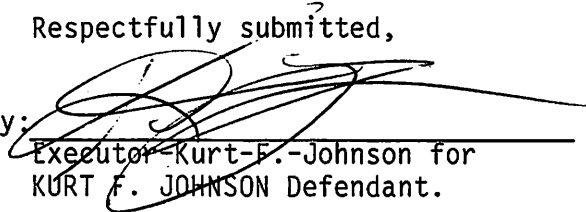
CONCLUSION

This is your last exit from the Southbound Train before the truth is conclusively revealed. You have good cause to acquit and more personal knowledge of facts than can be touched on in this brief writing. Do what is just and right for your own soul. JOHNSON is not begging for self, just for truth. A truth that will set both of us free. JOHNSON believes that man created in the image of God has an intrinsic wealth too valuable for these cheap tricks. It's never too late to repent while you have breath. You let my mother nug me, which was very kind. It has been 6 years. I owe you this favor.

October 8, 2018
HOUSTON V. LACK

Respectfully submitted,

By:


Executor Kurt F. Johnson for
KURT F. JOHNSON Defendant.

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HOUSTON V. LACK
October 9, 2018

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